

ASFO NEPA DOCUMENT ROUTING SHEET

Number: CX-AZ-110-2005-00

Project Title: Mesquite Road Right-of-Way AZA-33042

Project Lead: Laurie Ford

Date that concurrent, electronic distribution for review was initiated: February 15, 2005

Deadline for receipt of responses: **February 18, 2005**

Required Reviews:

Gloria Benson, Native American Coordinator

Tom Folks, Recreation

Laurie Ford, Lands/Realty/Minerals

Michael Herder, Wildlife

John Herron, Cultural

Lee Hughes, Plants

Ray Klein, GCPNM Supervisory Ranger

Linda Price, S&G

Bob Sandberg, Range

Richard Spotts, Environmental Coordinator

Ron Wadsworth, Supervisory Law Enforcement

Relevant Manager(s), Bob Sandberg, Arizona Strip Field Office

Discretionary Reviews: None

Scoping Meeting: None.

Additional Information: Application for right-of-way was filed by the city of Mesquite on February 10, 2005. Because of the potential threat of additional flooding and the need of the city of Mesquite to have access ready to stockpile material, the review process of this right-of-way has been expedited.

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
ARIZONA STRIP FIELD OFFICE
CATEGORICAL EXCLUSION REVIEW**

CX-AZ-110-2005-0030

PROJECT TITLE: Mesquite Road Right-of-Way AZA-33042

PROJECT LEAD: Laurie Ford

PROPOSED ACTION: The city of Mesquite, Nevada, has requested a right-of-way for a road which would extend from just north of the Scenic bridge, across the Hughes agricultural lease, to private land and the Virgin river southwest of the agricultural lease. The majority of this route is an existing road. A term and condition of the grant would require those areas of new road construction to be restored to their original approximate contour and revegetated as directed by the authorized officer. The right-of-way is necessary to transport rock material to a location on private land where it would be stockpiled to later be used in stabilization work along the Virgin River. It is anticipated that additional flooding may cause the Virgin River channel to cut back to the north and threaten homes on the north side at Arizona/Nevada border. A plan titled Ongoing Short-term Flood Control Measures for City of Mesquite – Nevada within Virgin River Flood Plan was completed by the applicant and reviewed and agreed upon by the FWS and Corp of Engineers as documented by email dated February 8, 2005. This Plan and Proposed Interim Flood Control Measures were filed with the right-of-way application. Right-of-way would be issued for a term of 1 year and would be renewable for approximately another year, if still needed.

LOCATION OF PROPOSED ACTION: The proposed right-of-way is within the area legally described as:
Gila and Salt River Meridian, Mohave County, Arizona
T. 39 N., R. 16 W.,
sec. 3, SW1/4NE1/4N1/2.
Containing 1.377 acres, more or less.

PLAN CONFORMANCE REVIEW: The proposed action has been reviewed for conformance with the Arizona Strip District, Resource Management Plan, as amended. The proposed action **IS** in conformance with the RMP. Decision LR16 provides for the evaluation of land use authorizations on a case-by-case basis in accordance with RMP decisions and National Environmental Policy Act analysis.

CATEGORICAL EXCLUSION REVIEW: The proposed action is categorically excluded under 516 DM 6, Appendix 5.4 E(19) which provides for the issuance of short term (3 years or less) rights-of-way or land use authorizations for such uses as storage sites, apiary sites, and construction sites where the proposal includes rehabilitation to restore the land to its natural or original condition.

The proposal has been reviewed to determine if any of the exceptions described in 516 DM 2, Appendix 2, apply. Surname(s) verify completion of this review by appropriate specialists.

NAME	LIST OF EXCLUSION CRITERIA	<i>Assign surnames for determination under each below</i>
<u>LFord</u>	1. The proposal would have no adverse effects on public health or safety:	<i>Identify effect if any</i>
<u>TFolks</u>	2. The proposal would not adversely affect unique geographic characteristics such as park, recreation, or refuge lands, wilderness areas, wilderness study areas, wild and scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks:	<i>Identify the area that would be affected if any</i>
<u>JHerron</u>	3. The proposal would have no adverse effects on historic or cultural resources:	<i>Identify the effect if any</i>
<u>LFord</u>	4. The proposal would have no highly controversial environmental effects:	<i>Identify effect if any</i>
<u>LFord</u>	5. The proposal would have no highly uncertain or potentially significant environmental effects nor does it involve unique or unknown environmental risks:	<i>Identify the effect if any</i>

- LFord 6. The proposal would not establish a precedent for future action or represents a decision in principle about a future consideration with potentially significant environmental effects: *Identify the effect if any*
- LFord 7. The proposal is not directly related to other actions with individually insignificant, but cumulatively significant effects: *Identify the other actions & their effects if any*
- JHerron 8. The proposal would not adversely affect properties listed or eligible for listing in the National Register of Historic Places: *Identify the effect if any*
- MHerder 9. The proposal would not adversely affect a plant species listed or proposed to be listed on the list of endangered and threatened species, nor have adverse effects on designated critical habitat for these species: *Identify the species & effect if any*
- MHerder 10. The proposal would not adversely affect an animal species listed or proposed to be listed on the list of endangered and threatened species, nor have adverse effects on designated critical habitat for these species: *Identify the species & effect if any*

The ultimate disposition of the fill material to be stockpiled as part of this action would be the Virgin River in Arizona and Nevada. Use of the fill material in this manner is an interrelated and interdependent action which could result in adverse affects to endangered woundfin minnow and Virgin River chub. NEPA and ESA compliance for the full project are being completed by the proponent in consultation with the U.S. Fish and Wildlife Service and are currently in progress. In anticipation of the need to act quickly to minimize additional flood damage, the Service has authorized the proponent to proceed with portions of the action that do not pose any adverse affects to listed or proposed species prior to completion of the emergency consultation under Section 7 of the ESA. The issuance of the ROW and the hauling and stockpiling of material would have no affect on any listed or proposed species. Therefore, issuance of the ROW could proceed ahead of completion of the consultation. If the Service's biological opinion concludes that the full action would jeopardize the continued existence of the species, the action could be halted. In that event, issuance of the ROW would not have led to any irreversible or irretrievable commitment of resources, adverse affects to listed species, or adverse modification of any critical habitat.

- LFord 11. The proposal would not require compliance with Executive Order 11988 (Floodplain Management) or Executive Order 11990 (Protection of Wetlands). *Identify order & effect if any*
- MHerder 12. The proposal would not require compliance with the Fish and Wildlife Coordination Act: *Identify the effect if any*
- GBenson 13. The proposal does not threaten to violate a federal, state, local or tribal law or requirement imposed for the protection of the environment: *Identify the law and effect if any*
- LFord 14. The proposal is in conformance with the Arizona Strip District Resource Management Plan/ Environmental Impact Statement, as amended.

DECISION: We have reviewed this plan conformance and NEPA compliance record and have determined that the proposal is in conformance with the approved land use plan, that it would have no significant environmental effects, and that no further environmental analysis is required.

Reviewed By: _____ Date: _____
Environmental Coordinator - Arizona Strip

It is my decision to implement the proposal, as described, with the stipulations in the attachment.

Approved By: _____ Date: _____
Field Manager - Arizona Strip

Terms and Conditions Road Right-of-Way **AZA-33042**

1. The holder shall conduct all activities associated with the construction, operation, and termination of the right-of-way within the authorized limits of the right-of-way.
2. All construction, maintenance, and vehicular traffic shall be confined to the right-of-way or designated access routes, roads, or trails unless otherwise authorized in writing by the authorized officer. Equipment will be promptly removed when work is finished.
3. Construction sites shall be maintained in a sanitary condition at all times; waste materials at those sites shall be disposed of promptly at an appropriate waste disposal site. "Waste" means all discarded matter including, but not limited to, human waste, trash, garbage, refuse, oil drums, petroleum products, ashes, and equipment.
4. At no time shall vehicle or equipment fluids be dumped on public lands. All accidental spills must be reported to BLM and be cleaned up immediately, using best available practices and requirements of the law. All spills of federally or state listed hazardous materials which exceed the reportable quantities shall be promptly reported to the appropriate state agency and the Arizona Strip Field Office.
5. The holder shall be responsible for weed control on disturbed areas within the limits of the right-of-way. The holder is responsible for consultation with the authorized officer and/or local authorities for acceptable weed control methods (within limits imposed in the right-of-way stipulations). The holder shall be subject to new stipulations regarding weed control that are currently being updated in Washington, D.C. The new stipulations will address the cleaning of equipment before it is brought onto public land to ensure that weed seeds are not being transferred, etc. A copy of the new stipulations will be sent to the holder when approved.
6. Use of pesticides shall comply with the applicable Federal and state laws. Pesticides shall be used only in accordance with their registered uses and within limitations imposed by the Secretary of the Interior. Prior to the use of pesticides, the holder shall obtain from the authorized officer written approval of a plan showing the type and quantity of material to be used, pest(s) to be controlled, method of application, location of storage and mixing areas and methods of cleansing and disposing of containers, and any other information deemed necessary by the authorized officer. Emergency use of pesticides shall be approved in writing by the authorized officer prior to such use.
7. Any surface, or sub-surface archaeological, historical, or paleontological remains not covered in the CRPR discovered during use shall be left intact; all work in the area shall stop immediately and the Authorized Officer shall be notified immediately. Recommencement of work shall be allowed upon clearance by the authorized officer in consultation with the Archaeologist.

An additional archaeological survey shall be required in the event the proposed project location is changed, or additional surface disturbing activities are added to the project after the initial survey. Any such survey would have to be completed prior to commencement of the project.

If in connection with use, any human remains, funerary objects, sacred objects or objects of cultural patrimony are defined in the Native American Graves Protection and Repatriation Act (P. L. 101-601; 104 Stat. 3048; 25 U.S.C. 3001) are discovered, the proponent shall stop use in the immediate area of the discovery, protect the remains and objects, and immediately notify the authorized officer. The holder shall continue to protect the immediate area of the discovery until notified by the authorized officer that use may resume.

8. Construction and reclamation activities shall be designed to minimize long-term impacts to natural lines, form, textures and color contrast. Reclamation methods shall avoid disturbing more area or exposing greater color contrast than resulted from the original operation.

9. Reclamation of all surface disturbances must be initiated immediately upon completion of activities, unless otherwise approved by the authorized officer. Reclamation of disturbed areas shall, to the extent practicable, include contouring disturbances to blend with the surrounding terrain, replacement of topsoil, smoothing and blending the original surface colors to minimize impacts to visual resources, and seeding the disturbed areas with a mix specified by the authorized officer.
10. Upon termination of the right-of-way, the holder shall seed all disturbed areas of new road construction, using an agreed upon method suitable for the location. Seeding shall be repeated if a satisfactory stand is not obtained as determined by the authorizing officer upon evaluation after the first growing season.
11. Holder shall coordinate with the agricultural leaseholder and canal right-of-way holder to ensure those authorized uses would not be impacted by road construction or use. All gates entering and exiting the agricultural lease area shall be maintained and kept closed as directed by the leaseholder.
12. The holder shall comply with the construction practices and mitigating measures established by 33 CFR 323.4, which sets forth the parameters of the “nationwide permit” required by Section 404 of the Clean Water Act. If the proposed action exceeds the parameters of the nationwide permit, the holder shall obtain an individual permit from the appropriate office of the Army Corps of Engineers and provide the authorized officer with a copy of same. Failure to comply with this requirement shall be cause for suspension or termination of this right-of-way grant.
13. Prior to termination of the right-of-way, the holder shall contact the authorized officer to arrange a pretermination conference. This conference will be held to review the termination provisions of the grant.